

 10/11/16

**SAN LUIS OBISPO PLANNING DEPARTMENT HEARING MINUTES FOR THE MEETING  
OF  
Friday, September 02, 2016**

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Rob Fitzroy, Hearing Officer**.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

**HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.**

Rob Fitzroy, Hearing Officer: opens meeting.

**PUBLIC COMMENT PERIOD**

1. Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

Rob Fitzroy: opens public comment.

Jo Roulead, Neighbor: discusses the proposed property Greengate suggests replanting greenery as a noise screen.

**CONSENT AGENDA**

2. Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):
3. A request by the **CAMBRIA COMMUNITY SERVICES DISTRICT** for a Minor Use Permit/Coastal Development Permit (DRC2015-00146) to allow the demolition an existing residence to increase open space within the Fiscalini Ranch Preserve. The project will result in the disturbance of approximately 2,000 square foot of a 1.34 acre site. The proposed project is within the Recreation land use category and is located at 1777 Rodeo Grounds Road approximately 900 feet southwest of the termination of Rodeo Grounds Road, in the community of Cambria. The site is in the North Coast planning area. Also to be considered is the approval of the environmental determination. This project is exempt under CEQA.

**County File Number: DRC2015-00146**  
**Supervisory District: 2**  
**Project Manager: Kerry Brown**

**Assessor Parcel Number: 013-131-033**  
**Date Accepted: July 22, 2016**  
**Recommendation: Approval**

Thereafter, on motion of the hearing officer, the request by the **CAMBRIA COMMUNITY SERVICES DISTRICT** for a Minor Use Permit/Coastal Development Permit (DRC2015-00146) notes a Class 1 Categorical Exemption is proposed for this project is granted based on the

**Findings A. through G. in Exhibit A and subject to the Condition 1 in Exhibit B. (Document Number: 2016-061\_PDH)**

4. A request by **ROBERT and ADRIENNE KINGSLYN** for a Minor Use Permit/Coastal Development Permit (DRC2015-00107) to allow the construction of a 2,769 square-foot single-family residence with a 602 square-foot attached garage and attached deck. The project will result in the disturbance of the entire 2,800 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located on Park Avenue, approximately 0.2 miles northwest of the South Ocean Avenue and 13th Street intersection, in the community of Cayucos. The site is in the Estero planning area. Also to be considered is approval of the environmental document. A Class 3 categorical exemption was issued for this project.

**County File Number: DRC2015-00107**  
**Supervisory District: 2**  
**Project Manager: Brandi Cummings**

**Assessor Parcel Number: 064-081-053**  
**Date Accepted: March 24, 2016**  
**Recommendation: Approval**

**Thereafter, on motion of the hearing officer, the request by ROBERT and ADRIENNE KINGSLYN for a Minor Use Permit/Coastal Development Permit (DRC2015-00107) notes a Class 3 Categorical Exemption is proposed for this project is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 33 in Exhibit B. (Document Number: 2016-062\_PDH)**

5. A request by **GREENGATE FARMS SLO LLC and GREEN GATE FARMS EDNA VALLEY, LLC.** for a Minor Use Permit (DRC2012-00078) to allow Temporary Events on a 210 acre site. The Temporary Event program will include: 25 events with up to 500 people; 50 events with up to 300 people; and 50 activities with up to 200 people. Multiple Temporary Events may occur on a single day and the number of Temporary Events per year shall not exceed 125. The proposed project is located within the Agriculture land use category, on the east side of Edna Road (SR 227) at the intersection of Corbett Canyon Road. The project site is approximately 3.6 miles south of the City of San Luis Obispo in the South County planning area (San Luis Obispo Sub Area South). Also to be considered is the approval of the Mitigated Negative Declaration that was issued on July 28, 2016.

**County File Number: DRC2012-00078**  
**Supervisory District: 3**  
**Project Manager: Holly Phipps**

**APN(s): 044-161-010, 044-161-009, 044-233-010**  
**Date Accepted: March 4, 2016**  
**Recommendation: Approval**

Rob Fitzroy, Hearing Officer: states the applicant has requested a continuance to October 14, 2016.

**Thereafter, on motion of the hearing officer, the request by GREENGATE FARMS SLO LLC and GREEN GATE FARMS EDNA VALLEY, LLC. for a Minor Use Permit (DRC2012-00078) is Continued to October 14, 2016.**

#### **HEARING ITEMS**

6. A continued hearing to consider a request by **JOHN TENBROECK** for a Minor Use Permit/Coastal Development Permit (DRC2015-00079) to allow grading of a site with slopes over 20% for a 2,019 square-foot single-family residence with a 378 square-foot attached garage. The project will result in approximately 1,100 square-feet of site disturbance on the 1,750 square-foot parcel. The proposed parcel is within the Residential Single Family land use category and is located at 2788 Richard Avenue, approximately 975 feet northeast from the Highway 1 and Old Creek Road intersection, in the community of Cayucos. The site is located in the Estero Planning Area. Also to be considered is approval of the environmental document. A Class 3 Categorical Exemption is proposed for this project. This item was continued from the August 19, 2016 Planning Department Hearing.

**County File Number: DRC2015-00079**  
**Supervisory District: 2**  
**Project Manager: Brandi Cummings**

**Assessor Parcel Number: 064-204-032**  
**Date Accepted: May 5, 2016**  
**Recommendation: Approval**

Brandi Cummings, Project Manager: presents staff report via power point.

Rob Fitzroy, Hearing Officer: clarifies this item was continued from the August 19, 2016 Planning Department Hearings and questions staff if the building code issues have been resolved with Brandi Cummings responding.

Rob Fitzroy, Hearing Officer: opens and closes Public Comment with no one coming forward.

**Thereafter, on motion of the hearing officer, the continued hearing to consider a request by JOHN TENBROECK for a Minor Use Permit/Coastal Development Permit (DRC2015-00079) noting a Class 3 Categorical Exemption is proposed for this project is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 32 in Exhibit B. (Document Number: 2016-063\_PDH)**

7. A request by **FREDERICK G. NOVY** for a Minor Use Permit/Coastal Development Permit (DRC2015-00092) to allow the construction of a 3,048 square-foot single-family residence with a 484 square-foot attached garage and a 351 square-foot attached workshop. Also requested is a modification to the 75-foot wetland setback, and the 15-foot front setback. The project will result in the disturbance of approximately 8,000 square-feet of a 17,097 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1325 Pasadena Drive, approximately 1.1 miles southwest of the South Bay Boulevard and Santa Ysabel Avenue intersection, in the community of Los Osos. The site is in the Estero planning area. This project is continued from the June 17, 2016 Planning Department Hearing. Also to be considered is approval of the environmental document. This project is exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

**County File Number: DRC2015-00092**  
**Supervisory District: 2**  
**Project Manager: Brandi Cummings**

**APN(s): 038-732-016 & 038-732-017**  
**Date Accepted: April 19, 2016**  
**Recommendation: Denial**

Brandi Cummings, Project Manager: presents staff report via power point. States this project was originally heard at the June 17th Planning Department Hearing.

Jeff Edwards, Agent: discusses reasons for approval and reviews water issues.

Rob Fitzroy, Hearing Officer: opens public comment.

Anne Tiber, neighbor: states reasons for denial.

Gus Wasel, Neighbor: states concerns of the proposed property.

Charmaine Henderson, neighbor: speaks to reasons for the denial of the proposed property.

Jeff Edwards, Agent: discusses his closing remarks.

Brandi Cummings, Project Manager: responds to comments made by the public.

Rob Fitzroy, Hearing Officer: requests clarification of the 2014 letter that issued the 12 credits for

septic systems to be used somewhere in the community, was it specified in that letter that they were intended to be interim and development would need to hook up to that septic system prior to operation of the sewer system with Brandi Cummings responding.

Discussion regarding Special Condition 6.

Rob Fitzroy, Hearing Officer: clarifies that this is a condition of the California Coastal Commissions and not of the County.

Jeff Edwards, Agent: responds to the discussion regarding special condition 6.

Brandi Cummings, Project Manager: discusses and reviews Condition 5.

Rob Fitzroy, Hearing Officer: questions if a septic system can be built on the site and if not, why not with Ms. Cummings responding.

**Thereafter, on motion of the hearing officer, the request by FREDERICK G. NOVY for a Minor Use Permit/Coastal Development Permit (DRC2015-00092) is denied based on the Findings A. through I. in Exhibit A.**

8. A request by **HORSEPOWER SANCTUARIES dba REDWINGS HORSE SANCTUARY** for a Minor Use Permit (DRC2015-00108) to allow the keeping of up to 90 horses (equines) on a 145 acre site. The project also includes the construction of a 2,700 sf agricultural barn (pole barn). The proposed project is located within the Agriculture land use category and is located east of the City of Paso Robles (at 6875 Union Rd.). The site is in the North County Planning Area, El Pomar-Estrella Sub area. Also to be considered is the Categorical Exemption.

**County File Number: DRC2015-00108**  
**Supervisory District: 5**  
**Project Manager: Holly Phipps**

**Assessor Parcel Number: 015-053-019**  
**Date Accepted: May 20, 2016**  
**Recommendation: Approval**

Holly Phipps, Project Manager: discusses the proposed project. Also, addresses the comments from the neighbors. Revising Condition #12 reads revision into record.

Terry Wahler, Planning Staff: discusses that this project was heard in June at the Agricultural Preserve Review Committee.

Rob Fitzroy, Hearing Officer: question which 3 organizations approved the project with Holly Phipps responding.

Emily with Oasis Associates: introduces the Redwings staff and reviews the proposed project. Also, enters into the record documents from the Thoroughbred Aftercare Alliance and Global Federation of Animals Sanctuary on their standards.

Mark Sendal, President of Board of Directors of Redwings: discusses the process and workings of Redwings Horse Sanctuary.

Paula Jermaine, Executive Director at Redwings: speaks to the day to day operations of the Sanctuary. Discusses the organizations that are approving of the proposed project; KARMA, TAA, GFAST.

Sarah Reodrone, Supervisor at Redwings: speaks to the ranch operations. (ie: flies, manure control and dust)

Rob Fitzroy, Hearing Officer: opens public comment.

Donald Buss, Sponsor of Redwings: speaks to the Redwings Sanctuary.

Yvonne Robinson, Sponsor of Redwings: speaks to their sponsorship to the Redwings Sanctuary.

Dianne Jackson, neighbor: address the water issues in Paso Robles and questions if the pastures will be irrigated?

Greg Barr, neighbor: states issues with the proposed project. Provides pictures for the record.

Barbara Skinner, neighbor: speaks to her volunteering at Redwings.

Rob Fitzroy, Hearing Officer: breaks for 5 minutes.

Rob Fitzroy, Hearing Officer: brings hearing back to order.

Rob Fitzroy, Hearing Officer: questions what the horses will eat and if there will be new crops planted with Ms. Paula Jermaine responding.

Holly Phipps, Project Planner: reiterates what the conclusions were regarding the Cultural resources stating the tribes expressed that a Phase One Survey be required. Although staff didn't request a Phase One

Rob Fitzroy, Hearing Officer: clarifies that there was no concern with ground disturbing impact, kit fox and/or Cultural Resources with Holly Phipps, responding.

Rob Fitzroy, Hearing Officer: questions if the fencing meets the 6 inch requirement with Emily, Agent also responds.

Rob Fitzroy, Project Manager: questions if there's a manure management plan and/or dust suppression with Holly Phipps responding.

Also, discussing the fencing in corner area of the property with Mark Sendal responding.

Discussion the prevailing winds coming from the South West.

Rob Fitzroy, Hearing Officer: question if option to set back the fence with Emily, Agent responding.

Paula Jermaine, Applicant: also, responds stating the location of the fence is set back on the Union Road side is at least 40 feet.

Rob Fitzroy, Hearing Officer: discusses the request to adjusting the conditions to reflect 5 or less horses in the pasture with Paula Jermaine responding.

Holly Phipps, Project Manager: reads new condition into the record, Condition 13.

**Thereafter, on motion of the hearing officer, the request by HORSEPOWER SANCTUARIES dba REDWINGS HORSE SANCTUARY for a Minor Use Permit (DRC2015-00108) notes a Class 3 (ED16-021) Categorical Exemption is proposed for this project is granted based on the Findings A. through F. in Exhibit A and subject to the Revised Conditions 1 through 13 in Exhibit B; Revising Condition 12 to read " In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences, etc. without a valid Encroachment Permit issued by the Department of Public Works." and adding New Condition 13 to read " The northeast corner pasture along Union Road shall have a maximum density of 5**

horses or less at any given time." (Document Number: 2016-064\_PDH).

**ADJOURNMENT**

**Next Scheduled Meeting: September 16, 2016** in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

**Nicole Retana, Secretary**  
**Planning Department Hearings**

**Minutes will be approved at the October 21, 2016, Planning Department Hearings Meeting.**